

KOSTELANETZ & FINK, LLP
7 WORLD TRADE CENTER, 34TH FLOOR
NEW YORK, NEW YORK 10007

WASHINGTON, D.C. OFFICE
601 NEW JERSEY AVENUE, NW, SUITE 260
WASHINGTON, DC 20001

TEL: (202) 875-8000
FAX: (202) 844-3500

TEL: (212) 808-8100
FAX: (212) 808-8108
www.kflaw.com

July 15, 2022

VIA ECF

Hon. Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *In re Customs and Tax Administration of the Kingdom of Denmark*
(Skatteforvaltningen) Tax Refund Scheme Litigation, No. 18-md-02865

Dear Judge Kaplan:

I write on behalf of Defendants and Third-Party Defendant¹ to request that the Court issue an order permitting Defendants and Third-Party Defendant to file under seal one exhibit to a Notice of Errata that contains corrected exhibits in support of Defendants' Supplemental Rule 56.1 Statement of Material Facts in Support of Their Motion for Summary Judgment (ECF No. 800) and their opposition brief (ECF No. 818). Counsel for Plaintiff consents to this request.

Exhibit 39 to the Notice of Errata contains portions of deposition testimony that have been designated "Confidential" or "Highly Confidential" pursuant to the Revised Amended Stipulated Protective Order Governing Confidentiality of Discovery Materials in this case. *See* ECF No. 489. Under Paragraph 15 of the Protective Order, absent withdrawal of confidentiality designations, Defendants and Third-Party Defendant are required to file these discovery materials under seal. Counsel for Plaintiff has advised that it cannot de-designate this portion of deposition testimony consistent with Danish law, requiring its sealing.

Respectfully submitted,

/s/ Sharon L. McCarthy
Sharon L. McCarthy

Cc: All counsel of record (via ECF)

¹ See Notice of Motion for Summary Judgment (ECF No. 798) at 1 n.1.